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7 **UNITED STATES DEPARTMENT OF JUSTICE**
8 Office of the United States Trustee
9 300 Las Vegas Boulevard, So., Suite 4300
Las Vegas, Nevada 89101
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Facsimile: (702) 388-6658

10 Attorneys for the Acting United States Trustee
11 SARA L. KISTLER

12 **UNITED STATES BANKRUPTCY COURT**

13 **DISTRICT OF NEVADA**

14 In re:

15 **USA Commercial Mortgage Company**
16 **06-10725 -- Lead Case**

Jointly Administered
Chapter 11 Cases
Judge Linda B. Riegle Presiding

17 **USA Capital Realty Advisors, LLC**
18 **06-10726**

Date: N/A

Time: N/A

Affecting:

- All Cases
or Only:
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund,
LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

19 **USA Capital Diversified Trust Deed Fund, LLC**
20 **06-10727**

21 **USA Capital First Trust Deed Fund, LLC**
22 **06-10728**

23 **USA Securities, LLC**
24 **06-10729** Debtors.

25 **NOTICE OF AMENDMENTS TO APPOINTMENT OF OFFICIAL**
COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST
TRUST DEED FUND, LLC

26 To the Honorable **LINDA B. RIEGLE**, United States Bankruptcy Judge:

27 Pursuant to 11 U.S.C. §§ 1102(a)(1) and(b) (2), the United States Trustee provides
28 Notice of Amendments to the Appointment of Official Committee of Equity Security Holders
filed in the case of In re USA Capital First Trust Deed Fund, LLC, Chapter 11 Case No. 06-
10728, and states:

1 1. On May 10, 2006, the United States Trustee filed its Notice of Appointment of
2 Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC
3 [Docket No. 204].

4 2. Each of the individuals identified in the Notice of Appointment had submitted a
5 written response to a solicitation from the United States Trustee confirming that they held an
6 equity security interest in USA Capital First Trust Deed Fund, LLC, and were willing to serve as
7 a committee member.

8 3. Subsequent to the filing of the Notice of Appointment:

- 9 a. Committee member Jerry T. McGimsey advised the United States Trustee
10 that he had mistakenly indicated that he is an equity security holder in
11 USA Capital First Trust Deed Fund, LLC, when in fact he is an equity
12 security holder in USA Capital Diversified Trust Deed Fund, LLC; and
13 b. Committee member Richard Horowitz has informed the United States
14 Trustee of his resignation from service on the Committee.

15 4. It is necessary to amend the Notice of Appointment filed by the United States
16 Trustee on May 10, 2006 to designate appropriate replacements for Messrs. McGimsey and
17 Horowitz. Such an amendment will ensure that the Official Committee of Equity Security
18 Holders of USA Capital First Trust Deed Fund, LLC remains representative of the parties
19 holding equity security interests in USA Capital First Trust Deed Fund, LLC, in a manner
20 consistent with the provisions of 11 U.S.C. § 1102(b)(2). *See generally, In re America West*
Airlines, 142 B.R. 901 (Bankr. D. Ariz. 1992).

21 5. The Notice of Appointment filed by the United States Trustee on May 10, 2006,
22 is therefore amended as follows:

- 23 a. By removing Jerry T. McGimsey and Richard Horowitz from the
24 Committee membership roster; and
25 b. By adding the following individuals, who are fairly chosen, who are
26 representative of the parties holding equity security interests in USA
27 Capital First Trust Deed Fund, LLC, and are willing to serve, as
28 Committee members replacing Messrs. McGimsey and Horowitz:

i. John Goings

Address: P.O. Box 174
Masonville, CO 80541
Telephone: (303) 582-1771
Telefax: (303) 582-1433
Email: jgoings@bhwk.com

ii. Joseph S. Congress

Address: 9900 Wilbur May Parkway, #802
Reno, NV 89521-4008
Telephone: (775) 851-1762
Telefax: (775) 851-1763
Email: bjcong@fdltownhomes.com

Dated: June 1, 2006

Respectfully submitted,

**SARA L. KISTLER
ACTING UNITED STATES TRUSTEE
REGION 17**

By: /s/ August B. Landis

August B. Landis, Assistant United States Trustee
United States Department of Justice

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, certify that on this date I served this Notice of Amendments to
3 Appointment of Official Committee of Equity Security Holders of USA Capital First Trust Deed
4 Fund, LLC:

- 5 1. Electronically upon all counsel and parties in interest on the CM/ECF service list
6 as of June 1, 2006; and
7
8 2. By depositing an envelope in the United States Mail, first class postage fully
9 prepaid and addressed to each of the parties listed below, each of which contained
10 a true and correct copy of this Notice of Amendments to Appointment of Official
11 Committee of Equity Security Holders of USA Capital First Trust Deed Fund,
12 LLC:

13 Annette W. Jarvis
14 P.O. Box 45385
15 36 South State Street, #1400
16 Salt Lake City, UT 84145-0385

17 Gregory J. Walch
18 400 South Fourth Street, 3rd Floor
19 Las Vegas, NV 89101

20 Nicholas J. Santoro
21 400 South Fourth Street, 3rd Floor
22 Las Vegas, NV 89101

23 Peter Susi
24 Michaelson, Susi & Michaelson
25 7th West Figueroa Street, 2nd Floor
26 Santa Barbara, CA 93101

27 Dated: June 1, 2006

28 **OFFICE OF THE UNITED STATES TRUSTEE**

1 SARA L. KISTLER
2 ACTING UNITED STATES TRUSTEE
3 REGION 17

4 By: _____*/s/ August B. Landis*_____
5 August B. Landis
6 Assistant United States Trustee
7 Las Vegas, Nevada

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